UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/300,676	04/27/1999	ROBERT DOYLE	73744	4753

24628	7590	07/27/2005

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EXAMINER
DEANE JR, WILLIAM J

ART UNIT	PAPER NUMBER
2642	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/300,676	DOYLE ET AL.
	Examiner	Art Unit	
	William J. Deane	2642	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>11 May 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-38</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-38</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1- 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No 5,828,747 (Fisher et al.).

With respect to claims 1, 14, 27 and 38, Fisher et al. teach a method of assigning

agents of an automatic call distributor (ACD 101, Fig.1), to incoming call types handled

by the ACD (note call queues 120, call vector 140 and Col. 3, lines 43 – 46), the method

comprising:

determining a target occupancy matrix including a target occupancy for each

agent for each call type of the plurality of call types (see Fig. 7). It should be noted that

in Fisher et al., the call types correspond to agent skills (Col. 3, lines 34 – 38).

Therefore, if one provides a target occupancy based on agent skill one also has a target

occupancy based on call type. If applicant argues this point, then the Examiner would

argue that it would have been obvious to one of ordinary skill in the art, based on

Fisher's disclosure of a target occupancy based on agent skill to have also provided a

target occupancy based on call types because agent skills are equated to call types.

processing the call of a first type of the types determined in the target occupancy

matrix; and assigning the call to an agent of the agents of the ACD with the largest

relative difference between an actual occupancy of calls of the first type handled by the

agent and the target occupancy of calls of the first type determined for the agent in the

target occupancy matrix. In particularly, note target occupancy data 702 in Fig. 7 (see

Abstract, Col. 2, lines 13 – 23, Col. 2, lines 41 – 51 and Col. 6, lines 9 - 19).

With respect to "the target occupancies among at least some of the agents are

not equal" limitation, such if not inherent in Fisher et al. would have been obvious to one

of ordinary skill in the art. If agents have different skill levels within a defined skill,

certainly it would be obvious that one would not expect the same target occupancies for

agents of different skill levels. See Col. 3, lines 49 – 56.

With respect to the "one pool" aspect of the claim limitation, note Col. 3, line 62 –

Col. 4, line 3.

With respect to claims 2, 15 and 28, and semi-permanent data (agent

proficiency) note Col. 3, lines 54 – 56. With respect to permanent data (skill types) note

Col. 3, lines 36 – 42. With respect to variable data (target total agent occupancy for

each agent) note Col. 5, lines 15 – 34 and Fig. 7. In addition, compare Page 8, lines 7 –

22 of the instant application with Figs. 2 and 7, Col. 3, line 36 – Col. 4, line 12 and Col.

5, lines 15 – 34 of the Fisher et al. reference.

With respect to claims 3 - 4,11,16 - 17 and 29 -30, note permanent data (skill

types) in the target matrix in Fig. 7. In addition, compare Page 6, lines 10 – 17 of the

instant application with Col. 2, lines 1 – 4 of the reference.

With respect to claims 5 - 6, 18 – 19 and 31 – 32, note Fig. 2, Col. 3, lines 54 –

56 and Col. 4, lines 4 – 7 and lines 37 - 42.

With respect to claims 7, 20 and 30, note Col. 5, lines 21 – 24. Since the data

700 – 701 is pre-administered, the examiner believes this data is manually entered.

With respect to claims 8 – 14, 21 – 26 and 31 - 37, note Col. 2, lines 53 – 57,

Col. 3, lines 51 – 56, Col. 4, line 57 – Col. 5, line 51. It should be noted that the target

matrix includes, among other things actual occupancies, target occupancies, skills and

levels of skills. Through the above Cols., it is clear that at least the actual occupancies

change and therefore, the target matrix changes. With respect to a call processor, note

that call vector 140. With respect to the call matrix processor, note call-distribution

function 150.

With respect to the repair processor, as best as can be determined, the repair

processor concerns itself with iteratively changing the target matrix to actual occupancy

in line with the target matrix (that is what Fisher does, see Abstract)

With respect to the selection processor, as best as can be determined, it appears

that this processor selects agents based on skill or other data (note agent queues 130).

The objective function processor determines the effect of call allocation on the

target matrix, such is taught by Fisher et al. (see Fig. 6).

With respect to the call distributor, note ACD 150.

Response to Arguments

Applicant's arguments filed 05/11/2005 have been fully considered but are not

deemed persuasive to any error in the rejection above.

Applicants ' main argument is the idea of "overstaffed" where Applicants support

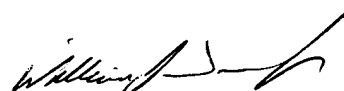their contentions by pointing to areas in the Fisher et al. reference that cite "idle times"

or "idle agents". That is, applicants equate "idle" with "overstaffed" and therefore concluding that Fisher et al. do not disclose an "understaffed" situation. However, the examiner does not except this notion. Certainly, agents are idle from the time they hang the phone up until the next call is answered. Even in an understaffed situation, the next call is not and cannot be instantaneous connected. The examiner believes "idle" is more in line with an agent being "available".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (571) 272-7484. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (703) 872-9306.

17Jul05

WILLIAM J. DEANE, JR.
PRIMARY EXAMINER